

**TOWN OF NEEDHAM  
CONSERVATION COMMISSION  
MEETING MINUTES  
Thursday, March 24, 2016**

LOCATION: Public Services Administration Building (PSAB), Charles River Room

ATTENDING: Janet Carter Bernardo, Artie Crocker, Stephen Farr, Peter Oehlkers, Alison Richardson, Cory Rhoades, Sharon Soltzberg, Matthew Varrell (Director of Conservation), Debbie Anderson (Conservation Specialist)

GUESTS: Bill Brown, Michelle Callahan, Kristen Capodilupo, Patricia Carey, Sue Cotton, Kerrie Gondola, Maureen Harrington, Kim Howard, Carolyn Lynes, Phil Lyons, Josh Melia, Lynne Melia, Barry Miller, Steven Popper, James Puccio, Michael Retzky, Michelle Rogers, Matt Snow, Andy Truman, Steven Ventresca

P. Oehlkers opened the public meeting at 7:35 pm.

**MISCELLANEOUS BUSINESS:**

Motion to approve the Meeting Minutes of July 9, 2015 by J. Carter Bernardo, seconded by S. Farr, approved 7-0-0.

Motion to approve the Meeting Minutes of July 23, 2015 by J. Carter Bernardo, seconded by S. Farr, approved 7-0-0.

Motion to approve the Meeting Minutes of February 25, 2016 by J. Carter Bernardo, seconded by S. Farr, approved 7-0-0.

**ENFORCEMENT & VIOLATION UPDATES**

**280 NEHOIDEN STREET**

M. Varrell notified the Commission that he noticed the fence had been removed from the wetland and was currently leaning against the house.

**HEARINGS**

**559, 567, 573, 597 and 603 CENTRAL AVENUE – NOTICE OF INTENT (DEP FILE #234-754)**

Applicant/Owner: Steven Popper, Town of Needham Public Facilities Dept. – Construction Division

Project: The proposed project consists of the demolition of all buildings and structures within the project boundary, including the removal of two trees and existing utilities. The demolition work is in anticipation of the proposed Hillside School. Properties included in the application include 559, 567, 573, 585, 597, and 603 Central Avenue. In addition to the demolition and minor regrading work, this application addresses an outstanding enforcement issue from the previous owner pertaining to unauthorized fill within the 100-foot Buffer Zone. The fill removal will include removal and proper disposal of soil contaminated with illegally dumped animal fat by the previous owner. The Applicant is also requesting confirmation of the wetland boundaries as part of the approval. Portions of the proposed work are located within Bordering Land Subject to Flooding and the 100-foot Buffer Zone to Bordering

Vegetated Wetlands. The proposed limit of work is approximately 10 feet from the limits of Bordering Vegetated Wetlands.

Present for the Applicant: Michelle Callahan and Steve Ventresca of Nitsch Engineering, Steven Popper and Michael Retzky of the Town of Needham Public Facilities Dept., Construction Division and Michelle Rogers of Dore & Whittier Architects.

Supporting Documents include:

- ❑ WPA Form 3 – Notice of Intent and supporting documents received March 10, 2016
- ❑ Needham Wetlands Protection Bylaw Application for Permit received March 10, 2016
- ❑ **Plan entitled: “EX-1 Exhibit Plan 585 Central Avenue Needham, Massachusetts 02494,” prepared by Nitsch Engineering, signed and stamped by Jamie G. Gayton, P.L.S. #49624, dated 10/6/2015 (revised 2/10/16).**
- ❑ Plans entitled: “Hillside School – Central Ave. Site Demo”, Sheets C0.00, C1.00, C2.00, C3.00, C3.01, prepared by Nitsch Engineering, stamped and signed by Steven Ventresca, P.E. #46872, dated 3/9/2016.
- ❑ **Plans entitled: “Hillside School – Central Ave. Site Demo”, Sheets C0.00, C1.00, C2.00, C3.00, C3.01, prepared by Nitsch Engineering, stamped and signed by Steven Ventresca, P.E. #46872, dated 3/18/2016.**

J. Carter Bernardo opened the Public Hearing at 8:00 pm. S. Farr recused himself.

M. Retzky explained that the proposed project is the demolition of several buildings in anticipation of the construction of the Hillside School. The construction of the school will be permitted through a separate Notice of Intent filing. M. Callahan presented the proposed project. The site consists of 559-603 Central Avenue and 585 Central Street (previously known as the Owen’s Poultry Farm). The Town of Needham purchased the properties for the purpose of constructing the new Hillside School. A small portion of the project area is on land owned by the Town of Wellesley. The Town of Needham has a license agreement for the proposed work.

The two resource areas located on the site are Bordering Vegetated Wetlands (BVW) and Bordering Land Subject to Flooding (BLSF). A Letter of Map Amendment (LOMA) has been filed with FEMA to adjust the flood line to coincide with Needham Survey flood elevation of 85. There is an outstanding Superseding Order of Conditions on the 585 Central Street site that requires the removal of non-compliant fill. The proposed work includes the demolition of ten (10) buildings. The building foundations will be filled in and seeded with a meadow mix. Existing patios, walkways and retaining walls will be removed resulting in a decrease of impervious area of 0.63 acres. There will be utility demolition as well including cutting and capping of sewer and water lines. The gas company will cut and cap their lines. The only work proposed within the 25-foot Buffer Zone includes the removal of a 150 s.f. shed. Erosion controls will be implemented for the project. The Superseding Order of Conditions will be closed out as part of this process. The un-permitted fill has been tested and is deemed to be clean fill so it will be used on site to fill foundations. Small areas of the fill have been tested and found to contain turkey grease from the previous land use. These areas of contaminants will be removed and disposed of properly.

M. Varrell described the history of the Superseding Order of Conditions. In 2004, there was a Notice of Violation issued for unauthorized placement of fill within Buffer Zone. No action took place to remediate the issue and a second Enforcement Order with fines was issued. This resulted in the property owner submitting a Notice of Intent in January 2005 to the Commission. In February 2005, an Order of Conditions was issued requiring the removal of the unauthorized fill. The owner appealed the Order of Conditions to MassDEP. In May 2005, MassDEP issued a Superseding Order of Conditions upholding the Commission’s Order of Conditions requiring removal of the fill. The owner requested an

adjudicatory hearing with MassDEP and appealed the Bylaw Order to Superior Court. The Commission voted to stay the adjudicatory hearing process to allow the Superior Court process to continue. The stay order was issued by DEP in July of 2005. In October of 2005, the Superior Court appeal was dismissed and the Bylaw Order of Conditions went back into effect. This Bylaw Order of Conditions has since expired. The stay was never lifted on the request for adjudicatory hearing. As part of the purchase of the property by the Town, the previous owner was required to submit a letter to DEP withdrawing his request for an adjudicatory hearing. As of now, DEP has not acted on this request. If DEP accepts the request then the Superseding Order will go back into effect. If the Commission issues an Order for the demolition work, there would be two open Orders on the same property for essentially the same work. The Town could request a Certificate of Compliance from DEP to close out the Superseding Order of Conditions and complete all the work under this new Order or this Order could be issued only under the Bylaw for that portion of the work. J. Carter Bernardo asked if it was necessary for the Commission to delay closing the Hearing for a reply back from DEP. M. Varrell replied that it may take quite a while for DEP to react.

There are two (2) trees proposed for removal under this portion of the project. They will be mitigated for during the school construction phase. J. Carter Bernardo inquired when they expect to hear back from FEMA. M. Callahan replied that they had filed in January and expect a reply within a couple of months. M. Varrell stated that as part of this filing, the Applicant requested approval of the wetland resource boundaries. The Bordering Vegetated Wetlands delineation can be approved but the BLSF line cannot be approved at this time.

Phil Lyons of 586 Central Avenue asked if the rest of the site had been tested for toxicity and where does toxic material end up being deposited. Additionally, he wanted to know what will be done to prevent impacts from dust and debris to neighboring properties. M. Callahan responded that the entire site has been tested. The only reason the turkey grease areas have been designated as "hazardous" is because they are located within a Zone 2 area. A landfill has been designated that will take the contaminated fill. Proposed seeding with meadow grass will help stabilize the disturbed soils and keep the dust down and it's part of the SWPPP. During demolition, the contractor should be watering the soils to keep them from becoming airborne.

Josh Melia of 553 Central Avenue asked if the trees located behind 567 Central Avenue will be coming down. M. Callahan replied that they will not be removed as part of this filing.

Matt Snow of 50 Sunset Road asked if the house at 45 Sunset Road was going to remain as a construction office for the demolition portion of the project. M. Callahan replied that it may be used for that purpose then removed during the end of the construction phase. He mentioned that survey crews had been on his property surveying trees. He was given a card to call with questions, which he did but did not receive a reply. J. Carter Bernardo replied that surveyors like to get a good idea of what's happening on adjacent properties as far as drainage and surface materials are concerned.

Kerrie Gondola of 145 Taylor Street stated that the survey seemed very extensive. M. Callahan replied that even in the Taylor Street area, they are considered abutters. J. Carter Bernardo added that it would be nice if surveyors would knock on doors and leave cards at properties where they are conducting surveys.

Sue Cotton of 40 Sunset Road asked for clarification regarding the request for proposed changes to the FEMA floodplain elevations. J. Carter Bernardo replied that they were only asking FEMA to assign an elevation of 85 where they had not had one for this area. She also had concerns regarding potential flooding issues in the future due to grading changes. S. Popper stated that they could contact him if they had any issues. S. Ventresca stated that once the demolitions are complete the site will be graded back to current conditions with the land sloping towards the wetlands.

Josh Melia of 553 Central Avenue stated that he had been required along with the owners of 559 Central Avenue, and Owen's Farm to purchase flood insurance several years ago because they were now located in the floodplain. M. Callahan agreed that if FEMA accepts their proposed elevation of 85 then the abutters will receive documentation and may no longer have to purchase flood insurance.

M. Callahan requested that the existing impervious area on the site be held as the existing conditions for the school design/construction phase.

***Motion to close the public hearing for 559, 567, 573, 597 and 603 CENTRAL AVENUE (DEP FILE #234-754) by A. Richardson, seconded by S. Soltzberg, approved 6-0-1***

## **KEOLIS COMMUTER SERVICE – REQUEST FOR DETERMINATION OF APPLICABILITY**

Applicant/Owner: Keolis Commuter Services

Project: The submission was made for the sole purpose of verifying the accuracy of the identification of those resources protected under the MA Rights-of-Way Management Regulations. No work is proposed within wetland resource areas. This Determination was requested in support of the renewal of Keolis' Vegetation Management Plan (VMP).

Present for the Applicant: No one

Supporting Documents include:

- ❑ WPA Form 1 – Request for Determination of Applicability and supporting documents received March 7, 2016
- ❑ USGS Right of Way Maps by Rail Line and Community dated 3/1/16.

J. Carter Bernardo opened the Public Hearing at 8:15 pm.

M. Varrell stated that the Applicant had requested a continuance to the April 28, 2016 Meeting at a time later on the Agenda.

***Motion to continue the public hearing for Keolis Commuter Service to April 28, 2016 at 8:00 pm. by S. Farr, seconded by A. Richardson, approved 7-0-0.***

## **OTHER BUSINESS**

### **REQUEST FOR CERTIFICATE OF COMPLIANCE – 1516 CENTRAL AVENUE (DEP FILE #234-654)**

D. Anderson explained that this filing for the Sunnyhill Horse Farm was submitted in response to a wetlands stop work order for work performed without a Permit including the issuance of an Enforcement Order and fine which has been paid. The owner had begun installation of a heated driveway including digging a trench for water and electrical lines from the house to the driveway. Part of the work took place within the right-of-way to Central Avenue and was remedied by removing the grate and filling the trench with stone in the portion within the right-of-way. In addition, the installation of the proposed french drain was to be witnessed by a Professional Engineer and written documentation provided to the Commission that it was installed properly. The installation was not witnessed. D. Anderson had no other issues and recommended the Commission issue a complete Certificate of Compliance.

***Motion to issue a Certificate of Compliance for 1516 Central Avenue (DEP File #234-654) by S. Soltzberg, seconded by S. Farr, approved 7-0-0.***

## **DISCUSSION ITEM – ROSEMARY GLEN OPEN SPACE**

M. Varrell explained that a neighbor, Kristen Capodilupo, had contacted him regarding a property for sale that may be of interest to the Commission to purchase near Rosemary Glen and he had conducted a site visit. M. Varrell introduced K. Capodilupo of 19 Colonial Road to discuss a land acquisition opportunity at 159 Marked Tree Road. She explained that the property is for sale and the existing house will most likely be a tear down. The listing states that the property is being marketed for land value only and there is an additional abutting vacant lot available. She proposed using the land as a connection between Marked Tree Road and Sportsman's Pond. There is some type of existing right-of-way to access the rear parcel. She explained that there is abundant wildlife using the land. There is a question whether it is buildable at all. M. Varrell stated that the wetlands had been recently delineated. J. Carter Bernardo stated that the Commission would discuss whether they had interest in pursuing acquiring the property in an Executive Session. The Commission will look at the master plan to see if the purchase would enhance their current holdings. J. Carter Bernardo will stop by and look at the property. M. Varrell discussed potential trail access and noted that there is not a real connection between ~~to~~ the two lots.

## **DISCUSSION ITEM – UPDATE ON HILLSIDE SCHOOL AT CENTRAL AVENUE DESIGN**

M. Rogers reviewed the project schedule, went over the public meeting dates and discussed the updates on the school website. The plan is for the new school to open in September of 2020. The Town of Wellesley is licensing their piece of property to the Town of Needham to use as playing field space, as well as, create walkways to the knoll. M. Rogers and the Landscape Architect, Bill Brown went over the existing site plan including wetlands and Buffer Zones. There is an area which is already disturbed right up to the wetland line where they are proposing some grading, construction of a stone dust path and bridge over the existing culvert to access the knoll. In addition, there is an area that was previously disturbed in the 25-foot Buffer Zone where they are proposing to grade and construct portions of a playing field. J. Carter Bernardo stated that the Commission would ask that they try to avoid construction of the field in the 25-foot Buffer Zone and perhaps return the 25-foot Buffer Zone to a natural state. Areas of floodplain will be filled and replicated. The proposed bus access was discussed.

S. Ventresca explained that they were proposing installation of Stormtech systems to infiltrate the roof and parking area runoff. Soil testing has not yet been performed. They had wanted to use all porous asphalt but realized this would not work in the playground area. The fire department did not have any comment on the proposed usage of pervious pavement along their access. The groundwater elevation was discussed as it would relate to stormwater.

## **DISCUSSION ITEM – UPDATE ON ROSEMARY RECREATIONAL COMPLEX DESIGN**

Andy Truman from Samiotes Consultants presented the updates on the Rosemary Pool Recreational Complex Design. Originally they had planned to set the new pool up higher to the second terrace. Through the ANRAD process it was determined that the proposed project would result in floodplain filling and the need for compensation. Due to the financial constraints involved, the revised plan is to put the pool back in at the same elevation as existing. The potential use of porous pavement for the site in order to minimize spending on stormwater infiltration efforts may be proposed. Due to comments from DPW the upper parking lot would remain impervious pavement. The pool deck will be porous pavement as well. There is a desire from the public for a spray pool at the park. It was originally proposed in another location but was disconnected from the pool area. The new location would be outside the 25-foot Buffer Zone but within the 50-foot Buffer Zone in the area of existing beach. J. Carter Bernardo stated that the only concern she had was the proposed use of pervious pavement on the

steep driveway slope. M. Retsky stated that they would be presenting the revised design to the Park & Recreation Department for their approval on Monday. Where the coffer dam is located now will be replaced by a cement wall.

***Motion to adjourn the meeting by S. Soltzberg, seconded by A. Richardson, approved 7-0-0.***

***The meeting was adjourned at 9:50 pm.***

**NEXT PUBLIC MEETING**

*Thursday, April 14, 2016 at 7:30 PM in the Public Services Administration Building, Charles River Room.*